IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.21614 of 2003

Between:

1. M/s.Vindale Distilleries Ltd.A public Ltd.Copmpany having its

Regd.office at Gaganpahad, Rajendranagar, R.R.District rep. by
its Court Commissioner & Chairman Board of Directors,

Mr. S.K.Aggarwal, S/o. late Sri O.P.Aggarwal, Aged 57 years,
2. Mr.S.K.Aggarwal,s/olate Sri O.P.Aggarwal, r/o.Plot No.14,

Road No.5, Trimurthy Colony, Mahindra Hills, Secunderabd-26.

..... PETITIONERS

AND

1. Board for Industrial & Financial Reconstruction, Jawahar Vyapar

Bhavan, 1,Tolstoy Marg, Janpath, New Delhi-1.
2. Industrial Development Bank of India rep. by it's Chairman and

Managing Director, IDBI Towers, Cuffe Parade, Mumbai-400005.
3 Appellate Authority for Industrial & Financial Reconstruction,

Jeevan Prakash Buidings, 25, Kasturiba Gandhi Marg, New Delhi-1.
4. Sri L.N.Vaz Depouty General Manager, BIFR Cell, IDBI New Delhi,

Red crossd Building, 1, Red Cross Road, New Delhi.110001.
5. Anil Kumar Aggarwal, W/o. Sri Omprakash Aggarwal,
R/o. 10-3-3/14, East Marredpally, Secunderabad.

(R-5 is impleaded as per C.O. Dt. 10. 9.2004 in WPMP.No. 14212 of 2004)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, direction or order especially in the nature of writ of mandamus directing the respondents, 1, 2 and 4 not to implement impugned order dated 25th July, 2003 passed by the first respondent pending the constitution of Appellate Authority for Industrial and Financial Reconstruction under the provisions of the Sick Industrial Companies (Special Provisions) Act or any other enactment.

Counsel for the Petitioners: MR.S.RAVI

Counsel for the Respondent No.1: MR.K.SATYANARYANA MURTHY

Counsel for the Respondent Nos.2 to 4: MR. A. RAJASEKHARA REDDY, Standing Counsel for Central Government

Counsel for the Respondent No.5: MR. K.V. SIMHADRI

The Court made the following:

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ORDER:

Feeling aggrieved by the order of Board for Industrial and Financial Reconstruction (BIFR) (Bench-I) dated 25.7.2003, the petitioners herein preferred an appeal before the Appellate Authority for Industrial and Financial Reconstruction (AIFR) under Section 25 of Sick Industrial and Companies (Special Provisions) Act, 1985 (SICA). At relevant point of time, AIFR was not constituted, and therefore, the petitioners have invoked the jurisdiction of this Court assailing the orders of the BIFR. This Court while admitting writ petition on 15.10.2003 stayed all further proceedings pursuant to the orders of the BIFR dated 25.7.2003. It is now brought to the notice of this Court that AIFR has been duly constituted and in that view of the matter this Court is not inclined to adjudicate the merits of this matter.

Liberty is given to the petitioner to prosecute the appeal filed before the AIFR on 19.9.2003. It shall also be open to the petitioner to seek interlocutory orders from the AIFR. To enable the petitioner to do so, the interim orders passed by this Court shall be valid till 27.11.2004. If the contesting respondent, namely, the fifth respondent desires to avail remedies under SICA, it shall be open to him to do so. No direction can be granted in favour of the fifth respondent in this regard.

The writ petition, with the above observations and directions, is disposed of.

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V.V.S. RAO, J

October 28, 2004.

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To

1. Board for Industrial & Financial Reconstruction, Jawahar Vyapar

Bhavan, 1,Tolstoy Marg, Janpath, New Delhi-1.
2. The Chairman and Managing Director,Industrial Development

Bank of India, IDBI Towers, Cuffe Parade, Mumbai-400005.
3 Appellate Authority for Industrial & Financial Reconstruction,

Jeevan Prakash Buidings, 25, Kasturiba Gandhi Marg, New Delhi-1.
4. Sri L.N.Vaz, Deputy General Manager, BIFR Cell, IDBI New Delhi,

Red cross Building, 1, Red Cross Road, New Delhi.110001.
5. Two C.D. Copies.